



Town of Stratham Planning Board Rules of Procedure



Adopted

August 17, 2005



Town of Stratham Planning Board Rules of Procedure

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All required forms and checklist are attached.

ARTICLE I. AUTHORITY / TITLE:

1. The Town of Stratham Planning Board Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated RSA 676:1 ("Methods of Adopting Rules of Procedure"), and shall be known as the "Planning Board Rules of Procedure" or "Rules."

ARTICLE II. PURPOSES:

The purposes of the Planning Board Rules of Procedure are:

1. To meet the requirement of RSA 676:1;
2. To highlight the multiple procedural requirements of the Planning Board outlined in RSA 673 ("Local Land Use Boards"), and to ensure that related Board operational requirements (e.g. in RSA 676: "Administrative & Enforcement Procedures") are generally highlighted and properly implemented;
3. To ensure, for the benefit of Stratham's citizens, officials, the Planning Board ("Board") and other Town Boards and Commissions, as well as development applicants, representatives, and all other interested persons or organizations, that Planning Board operations are commonly known and understood.

ARTICLE III. MEMBERS:

1. The Planning Board shall consist of five (5) regular members and three (3) alternate members, pursuant to RSA 673:2[II] and RSA 673:6[1][a];
2. The Selectmen shall designate one selectman as an ex-officio member with power to vote;
3. Members and alternates shall be appointed by the Board of Selectmen, including appointment of an ex-officio Selectmen member (RSA 673:2[a]);
4. Ex-officio's term shall coincide with his or her term as Selectmen (RSA 673:5[I][a]);
5. Regular members and alternate members shall serve staggered 3-year year terms (RSA 673:5[II]; RSA 673:6[I][a]);
6. Regular and Alternate Members may serve on any other municipal Board or Commission, provided that multiple memberships do not result in two (2) Planning Board members serving on the same additional Board or Commission (RSA 673:7[II]);
7. Vacancies shall be filled by the Board of Selectmen for the current un-expired terms of respective members (RSA 673:12[II]);

8. Regular and alternate members may be removed, after public hearing, by the Board of Selectmen upon written findings of inefficiency, neglect of duty, or malfeasance in office (RSA 673:13);
9. Each newly appointed Board member, including re-appointed member, shall be sworn in and take an oath of office as required by RSA 42:1.

ARTICLE IV. OFFICERS:

1. The Officers of the Board shall be as follows:
 - a. Chair: The Chair shall preside over all meetings and hearings; prepare an annual report; and perform other duties customary to the office.
 - b. Vice-Chair: The Vice-Chair shall preside in the absence of the Chair, and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.
 - c. Secretary: The Secretary shall work with the Town Planner and other staff to insure that a full and accurate record of the proceedings of each meeting is prepared with the names of the members present; that staff accurately issues notices of all meetings, notifies applicants and abutters of hearings and prepare such correspondence and fulfill such duties in support of the Board and as may be requested by the Chairman. In the absence of the Secretary, the Chairman shall appoint a secretary pro tem to keep records of the meeting. The Secretary shall preside in the absence of the Chair and Vice Chair, and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair and Vice Chair.
2. If the Vice-Chair and Secretary is not present, and the Chair is disqualified for any reason, a temporary Chair shall be appointed by the Chair for the matter under discussion.
3. The Officers of the Board shall be elected annually during the month of April by a majority vote of the Board. Only regular members of the Board may be entitled to be officers of the Board.
4. Term of Officers on the Planning Board shall be one-year, officers are eligible for reelection;
5. Ex-officio members shall not serve as Chair;
6. The Town planner shall forward to the Town Clerk the appointment and expiration dates of the terms of each officer of the Board.

ARTICLE V. CONFLICTS OF INTEREST:

1. Regular and alternate members shall not participate in deciding or sit in hearing where the Board functions in a quasi-judicial capacity and where said member has a direct personal or pecuniary interest in the outcome of such decision or hearing different from the interest of other citizens or where the member could not meet the "juror" standard (RSA 673:14[I].) ("Quasi-judicial" capacity means the Planning Board acting in the role of a "judge" relative to development applications).
2. Where uncertainty arises as to disqualification of a member under RSA 673:14[1], the Board shall vote on whether the potential member should be disqualified, per guidelines in RSA 673:14[III]. Such a Board vote is advisory and is not binding on the affected member.
3. In the case of disqualification, an alternate member shall be chosen for Board action.
4. Board members who are abutters to a development proposal under review are automatically disqualified from deciding or sitting in hearing on said proposal (*Totty v. Grantham*, 120 NH 388 [1984]);
5. In relation to RSA 673:14, Board members must exercise discretion in regards to "ex-parte" communication. Specifically, members should avoid conferring with development project applicants or their representatives, and with proponents, opponents or any other party with an interest in any development project outside of prescribed regular or special meeting times. However, members are free, as desired, to discuss development project applications, pursuant to project review duties, with each other, The Town Planner, other town staff and staff-consultants outside of regular or special meetings, given that any "quorum" discussion requires meeting notice;

ARTICLE VI. MEETINGS, AGENDAS, & QUORUMS:

1. Regular meetings of the Board shall be held on the first Wednesday of every month, commencing at 7:00 P.M. Where the date for the regular meeting falls on a holiday the Board shall meet on the third Wednesday of the month. Additionally, when the board may have a number of applications pending, the Chair in consultation with the Town Planner, may set the third Wednesday of the month for acceptance of new applications and public hearings. The Board shall also set the third Wednesday of each month for the purpose of board workshops as may be needed.
2. Meetings of the Board shall be held at the Stratham Municipal Complex, 10 Bunker Hill Avenue, unless otherwise duly noticed by the Board.
3. Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three members of the Board

provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.

4. Nonpublic sessions shall be held only in accordance with RSA 91-A:3, as needed.
5. Quorums:
 - a. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.
 - b. If any regular Board member is absent from a meeting or hearing, or disqualifies him/herself from sitting on a particular application, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member. Such action shall occur at the first knowledge of a conflict or absences any member during consideration by the Board of an application. The alternate member shall have the voting power of a regular member where the latter is absent or disqualified in regards to a matter under Board consideration (RSA 673:11). In the case of disqualification of a regular member, the selected alternate member shall sit, hear and vote the matter to final Planning Board action. The Chair shall attempt when possible to appoint the same alternate member to sit on any continued consideration of an application before the board. Alternate members are responsible to be fully prepared to vote on Planning Board matters.
 - c. Members with known absences from Board meetings should notify staff at the earliest possible time. Absent members are encouraged to submit written and/or oral comments for Board consideration and review as possible. Oral and written comments should be forwarded to Town Planner for transmittal to the Board at-large.
 - d. In development project matters under “quasi-judicial” consideration by the Board, alternate members are given “regular member” status in terms of full review and full comment roles, except that alternates are “non-voting” in relation to formal Planning Board decisions, except as needed.
 - e. In matters related to amendment of the Master Plan, other planning and policy documents, and amendment of development regulations under jurisdiction of the Board, alternate members shall have full review, full comment, and “consensus-vote” roles, except that final decisions on said documents shall be reserved for regular members, unless alternate votes are needed to constitute a quorum for Board action.

6. Order of Business:

Regular meetings shall be conducted in the following order:

- a. Call to Order (Chair);
- b. Roll Call (Individual Members);
- c. Approval of Agenda (including review of requests for continuance);
- d. Outstanding Minutes (Review/Approval);
- e. Ongoing Business;
- f. New Business;
- g. Miscellaneous:
 - i. Report of Officers/Committees;
 - ii. Member Comments;
 - iii. Staff Notes/Correspondence;
- h. Adjournment

The Board reserves the right to modify the order of agenda items as appropriate under item (c). For example, it may work more efficiently for the Board to consider brief agenda items at the outset, and to place longer agenda items following.

Special meetings of the Board shall include at minimum items a, b, c, and h listed above for regular meetings. Special meeting agenda items shall be determined and noted in advance of the meeting.

ARTICLE VII. APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW:

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the planning staff who shall sign and record the date of receipt.
 - a. All forms, applications, checklist that may be required and prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.
2. Upon submittal of a development project application, the Town Planner shall work within local and state statutory time frames, in consultation with the Chair, and with available time resources in scheduling agenda items. Staff shall keep a list of ongoing agenda items;
3. The Town Planner in forming the agenda, may limit the number of items allowed for consideration by the Board with the goal of not "over-loading" meetings with public hearings or other business items, and of efficient and productive scheduling and conduct of meetings;

4. The Board shall with input from the Town Planner, review each project submittal for "completeness" and to determine if jurisdiction should be taken. Public hearings may then be held or the Board may agree to schedule such hearing for a future date.
5. The Board shall avoid scheduling agenda items on an "excessively continued" or "ad-indefinitum" basis. Projects shall be scheduled and processed in a timely manner, such that plan revisions, additional submittal information requested, etc. are submitted to the Board in timely advance for staff and consultant review and evaluation.
6. The Board shall abide by all submittal time frame requirements, including original submittal and revision submittal time frames, in the town of Stratham Subdivision Regulations, Site Plan Regulations, and other applicable codes (e.g. conditional use permits).

The Board acknowledges the need for flexibility in working with development applications; however, it is paramount that significant items are not submitted in a tardy or incomplete fashion.

ARTICLE VIII. PUBLIC HEARINGS:

The conduct of public hearings shall be governed by the following rules:

1. The Chairman shall call the hearing in session and shall read the application and report on the manner in which public and personal notice was given, identify the applicant or agent and ask for the Town Planner's report on the proposal.
2. Members of the Board may ask questions at any point during the presentation.
3. Any party to the matter who desires to ask a question of another party must go through the Chairman.
4. Any applicant, agent, abutter or person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
5. To allow for the orderly function of the board, the Chair may move that a time limit be set on individual speakers or when all debate shall end. Any motion to limit debate shall require a majority vote of the board. The board shall use the goal of ensuring that all who wish to be heard on an application are able to speak before the board as their guide in determining to limit any debate.
6. Each person who speaks shall be required to state her/his name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
7. The applicant or agent shall be called to present the proposal. The Chair shall recognize alternately those in favor and opposed to the application to speak. At the Chair's discretion, prior to a person speaking for a second

time, all individuals who may wish to speak for a first time shall be recognized.

8. Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing anytime during the Board's consideration of any application.
9. When it has been determined that all individuals have spoken, the applicant or their agent may be asked to give a closing statement.
10. When it has been determined that all individuals who may wish to speak or provide testimony have spoken, the Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment. If a hearing is closed the Board may move to final deliberations or continue the application to a future date for action without further public input or comment.
11. As needed, "Compliance Public Hearings" may be required pursuant RSA 676:4(l)(i) in relation to "conditional approvals";

ARTICLE IX. DECISIONS:

1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.
2. The Board shall act to approve, conditionally approve, or disapprove.
4. Notice of decision will be made available for public inspection at the Planning Department offices within 72 hours after the decision is made as required in RSA 676:3. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.

ARTICLE X. RECORDS:

1. All records of the Board related to long range planning (i.e. Master Plan, Maps, & related) and current planning (i.e. development regulations; project files, & related) shall be kept at the Planning Department Offices, 10 Bunker Hill Avenue, and are available for review during regular business hours. Copies of individual documents and project file information are available at cost of copying. Any significant requests for Board records shall be made in advance and in writing to expedite processing of information.
2. In addition to individual project files, a three-ring binder entitled "Planning Board Records" shall be kept at the Planning Department offices. The binder will include draft and approved minutes, current mailings to Board

members, and other materials. Approved Board minutes are also kept in a binder at the Town Library.

3. All regular and special Board meetings shall be tape-recorded by staff. Tapes are then transcribed to draft minutes for Board review and approval at subsequent meetings. Taped meeting minutes are available the next business day after the regular or special Board meeting for listening at Town Hall, however, copies of tapes, if requested, may take up to 96 business hours to be duplicated, and are available at cost. Planning Department staff shall make efforts to have draft minutes and written decisions completed and available with 144 hours (six business days) following Board meetings, provided: if draft minutes and/or written decisions are not completed, taped recordings of the meeting shall be deemed to meet open record requirements of RSA 91-A:2[II] ("Minutes and Records Available for Public Inspection.") and requirements of RSA 676:3 ("Issuance of Decision".) Once the Board has approved minutes for any meeting, the approved minutes shall become the official record and the tapes from which they were transcribed shall be erased for reuse or disposal by the town.

ARTICLE XI. JOINT MEETINGS & HEARINGS:

1. The Planning Board may hold joint meetings and hearings with other "land use boards" including but not limited to the: Board of Adjustment, Conservation Commission and the Heritage Commission. Joint Meetings and Hearings shall be conducted consistent with requirements in RSA 676:2.

ARTICLE XII. AMENDMENTS:

1. These Rules of Procedure may be amended by a majority vote of the members of the Board provided that such amendments are:
 - a. Consistent with State RSA's and
 - b. Are reviewed and public comment taken at one meeting preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the Town Clerk.